

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHARLES PATTON,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	NO. 09-4893
	:	
HENRY RICK PASQUALINI and	:	
NEWTOWN TOWNSHIP,	:	
	:	
Defendants.	:	

O R D E R

AND NOW, this 25th day of August 2011, upon consideration of Defendants, Chief H. Rick Pasqualini and Newtown Township's Motion for Summary Judgment Pursuant to Federal Rule of Civil Procedure 56 (Document No. 24, filed February 14, 2011), Plaintiff's Opposition Response to Defendants' Motion for Summary Judgment (Document No. 28, filed March 21, 2011) and Reply to Plaintiff's Response to Defendants' Motion for Summary Judgment, and Plaintiff's "Counter Statement of Undisputed Facts" (Document No. 31, filed April 18, 2011), for the reasons set forth in the Memorandum dated August 25, 2011, **IT IS ORDERED** that Defendants, Chief H. Rick Pasqualini and Newtown Township's Motion for Summary Judgment Pursuant to Federal Rule of Civil Procedure 56 (Document No. 24, filed February 14, 2011) is **DENIED IN PART** and **GRANTED IN PART**, as follows:

1. Those parts of defendants' motion related to plaintiff's claims against defendant Pasqualini for First Amendment retaliation based on plaintiff's speech to the Newtown Township Board of Supervisors on April 23, 2008, termination in

violation of plaintiff's due process rights and defamation are **DENIED**; and

2. The motion is **GRANTED** in all other respects.

IT IS FURTHER ORDERED that the Court **DEFERS** ruling on whether the issue of punitive damages against defendant Pasqualini should be presented to the jury until plaintiff has presented his case-in-chief at trial. Until the Court rules, neither party will be permitted to reference punitive damages or punishing defendant Pasqualini in the presence of the jury, nor will either party be permitted to mention Pasqualini's financial assets in the presence of the jury. However, Pasqualini must be prepared to produce evidence of his net worth at the conclusion of plaintiff's case-in-chief in the event the Court rules that the issue of punitive damages should be submitted to the jury.

IT IS FURTHER ORDERED that the Court will conduct a telephone conference for the purpose of scheduling further proceedings in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois
JAN E. DUBOIS, J.